



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of : **Confirmation No. 2601**
Mitsuaki OSHIMA et al. : Docket No. 2000_1326
Serial No. 09/669,916 : Group Art Unit 2634
Filed September 25, 2000 : Examiner A. Le
COMMUNICATION SYSTEM : **Mail Stop: AMENDMENT**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

This paper is in response to the Office Action mailed November 3, 2004. The appropriate fee for a three month extension to May 3, 2005 is submitted herewith.

Claims 31-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tsinberg in view of Tanaka. This rejection is traversed for the following reasons.

Each of the independent claims 31, 33, 35, and 37 includes a recitations drawn to examining quality, or detecting an error rate, and stopping outputting of an HDTV signal when the quality is lower than a predetermined acceptable quality for a predetermined period of time or when the error rate is higher than a predetermined error rate for a predetermined period of time. Accordingly, claim 31 recites a controller operable to examine the quality of the data stream, and an output unit operable to output the HDTV signal and to stop outputting the HDTV signal when the quality of the data stream is lower than a predetermined acceptable quality for a predetermined period of time. Likewise, method claim 35 recites examining the quality of the data stream, outputting the HDTV signal, and stopping outputting of the HDTV signal when the quality of the data stream is lower than a predetermined acceptable quality for a predetermined period of time. Claim 33 recites a controller operable to detect an error rate of the data stream, and an output unit operable to output the HDTV

signal and to stop outputting the HDTV signal when the error rate of the data stream is higher than a predetermined error rate for a predetermined period of time. Likewise, method claim 37 recites detecting an error rate of the data stream, outputting the HDTV signal, and stopping outputting of the HDTV signal when the error rate of the data stream is higher than a predetermined error rate for a predetermined period of time.

Tanaka provides no disclosure regarding any action to be taken or action to be stopped when the quality of a data stream is lower than an acceptable quality for a predetermined period of time or when the error rate of a data stream is higher than a predetermined error rate for a predetermined period of time as recited in the pending claims.

Tanaka discloses a system in which errors in an audio signal are detected based on the use of an error correcting code. The system of Tanaka counts the number of errors that occur between each synchronization signal in the audio signal. When the number of errors exceeds a first predetermined threshold, the audio signal is muted. The number of errors is then counted again for each subsequent synchronization period. The audio signal continues to be muted as long as the error count for each subsequent synchronization period is not below a second, lower, threshold. When the error count is below the second threshold, the audio signal is un-muted.

However, Tanaka does not disclose muting the audio signal when the quality of the signal is below a predetermined acceptable quality for a predetermined period of time, or when the error rate is higher than a predetermined error rate for a predetermined period of time. Rather, in the system of Tanaka, once the number of errors exceeds a predetermined threshold number, the audio signal is muted. Tanaka does not analyze whether the number of errors is above the predetermined number for a predetermined period of time, only whether or not the predetermined number of errors has been exceeded. Accordingly, a combination of Tanaka with Tsinberg would not result in the inventions recited in any of claims 31-38 of the present application. Moreover, it would not have been obvious to modify the applied references in such a way that the inventions recited in any of claims 31-38 would result. Therefore, it is submitted that claims 31-38 are allowable over the prior art of record.

In view of the above, it is submitted that the present application is in condition for allowance.
The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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